

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

11 CIV 0488

Civil Action No.

KNOLL, INC.,

Plaintiff,

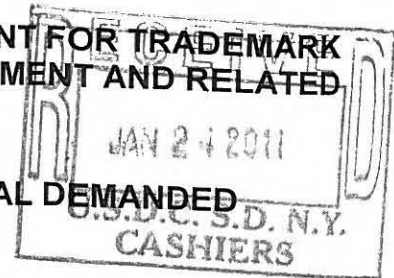
v.

MODERNO, INC. D/B/A REGENCY
SHOP, and MIKE SAXENA,

Defendants.

COMPLAINT FOR TRADEMARK
INFRINGEMENT AND RELATED
CAUSES

JURY TRIAL DEMANDED



Plaintiff, by its attorneys, for its Complaint against the Defendants, alleges:

JURISDICTION AND VENUE

1. This is an action for violation of Sections 32 and 43 (a) of the Lanham Act, 15 U.S.C. §§ 1114, 1125; for violation of Section 360-I of the New York General Business Law; and for violation of the common law of the State of New York pertaining to unfair competition.

2. This Court has jurisdiction over the subject matter of these claims pursuant to 28 U.S.C. § 1338 and under principles of supplemental jurisdiction, 28 U.S.C. §1367(a). Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391.

THE PARTIES

3. Plaintiff Knoll, Inc. ("Knoll") is a corporation organized and existing under the laws of the State of Delaware, maintaining a place of business at 76 Ninth Avenue, New York, New York 10021.

4. Knoll is a leading designer and manufacturer of branded furniture.

5. Knoll believes that good design is good business. Indeed, since its founding in 1938, Knoll has been recognized as a design leader worldwide.

6. Knoll products are exhibited in major art museums worldwide, with more than 30 Knoll pieces in the permanent Design Collection of The Museum of Modern Art in New York, New York.

7. Upon information and belief, Defendant Moderno, Inc. is a corporation organized and existing under the laws of California, maintaining a place of business at 14343 Don Julian Rd., City of Industry, CA 91746-3035 and which does business as Regency Shop.

8. Upon information and belief, Defendant Mike Saxena, is an individual with an address at 14343 Don Julian Rd., City of Industry, CA 91746-3035. Upon information and belief, Defendant Mike Saxena is a principal of Defendant Moderno, Inc. and is otherwise responsible for the infringing activities of said corporate Defendant Moderno, Inc. (collectively, with Mike Saxena, "Defendants") as alleged hereinafter.

9. Defendants now conduct or have in the past conducted their business over the internet through their website at <http://www.regencyshop.com/>.

10. Defendants transact business within this district, derive revenue from intrastate and interstate commerce, and have committed tortious acts within this district and also without this district having consequences within this district, and said Defendants are otherwise within the jurisdiction of this Court.

FACTS COMMON TO ALL COUNTS

LUDWIG MIES VAN DER ROHE

11. Ludwig Mies van der Rohe ("Mies van der Rohe") was a world-famous architect and one of the most influential architects of the twentieth century.

12. Mies van der Rohe was the director of the Bauhaus school of design from 1930 to 1933, and moved to the United States in 1937 to continue his architectural activities.

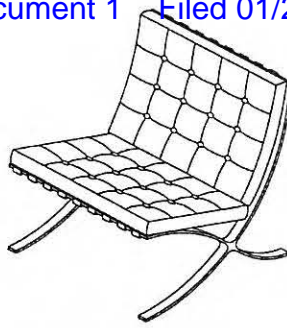
13. Among Mies van der Rohe's more well-known architectural works are the Seagram Building in New York City; the Lakeshore Drive Apartments in Chicago, Illinois; the German Pavilion for the 1929 Barcelona International Exhibition; and the Tugendhat House, in Brno, Czech Republic.

THE GERMAN PAVILION

14. In 1928, Mies van der Rohe was asked to design the German pavilion for the 1929 Barcelona International Exhibition. The result was one of Mies van der Rohe's most well-known architectural designs.

A. The Barcelona Chair

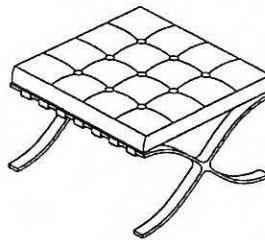
15. In addition to designing the German Pavilion, Mies van der Rohe also designed the furniture featured inside the pavilion. He designed a chair in the form of the design that is set forth below:



Architects, the furniture trade and the public have come to refer to this chair as the "Barcelona Chair".

B. The Barcelona Stool

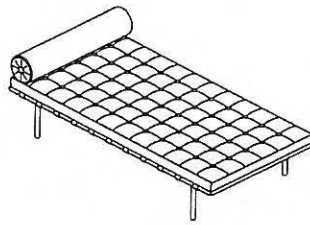
16. Along with the "Barcelona Chair", Mies van der Rohe also designed an ottoman for the German Pavilion in the form of the design that is set forth below:



Architects, the furniture trade and the public have come to refer to this ottoman as the "Barcelona Stool".

C. The Barcelona Couch

17. In 1930, Mies van der Rohe designed a couch or daybed that later gained fame when he featured it in the Farnsworth House, which he designed in 1948 for Dr. Edith Farnsworth. The couch was in the form of the design that is set forth below:



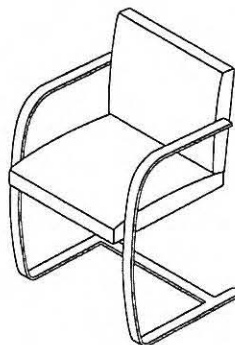
Architects, the furniture trade and the public have come to refer to this couch as the “Barcelona Couch”.

THE TUGENDHAT HOUSE

18. In 1928, Mies van der Rohe was commissioned to design a home for Grete and Fritz Tugendhat. The resulting Tugendhat House in Brno, Czech Republic is one of Mies van der Rohe’s most well-known architectural designs.

A. The Flat Brno Chair

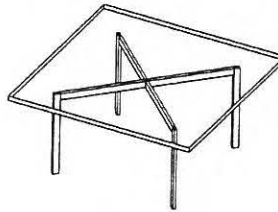
19. In addition to designing the Tugendhat House, Mies van der Rohe also designed much of the furniture used to furnish the Tugendhat House. He designed for the Tugendhat House a chair in the form of the design that is set forth below:



Architects, the furniture trade and the public have come to refer to this chair as the "Flat Brno Chair".

B. The Barcelona Table

20. Along with the "Flat Brno Chair", Mies van der Rohe also designed a table for the Tugendhat House in the form of the design that is set forth below:



Architects, the furniture trade and the public have come to refer to this table as the "Barcelona Table" or the "Tugendhat Table".

KNOLL AND ITS RIGHTS IN THE BARCELONA COLLECTION

21. By an agreement dating from November 1, 1965, Mies van der Rohe assigned all rights, title and interest in and to the design of the Barcelona Chair, the Barcelona Stool, the Barcelona Couch, the Barcelona Table and the Flat Brno Chair (hereinafter collectively referred to as the "Barcelona Collection") to predecessors of Knoll as to the rights herein involved.

22. Knoll and its predecessors in interest as to the rights herein involved have been continuously manufacturing, displaying, promoting and selling the Barcelona Collection since at least as early as January 1, 1954.

23. The various furniture items in the Barcelona Collection have been the subjects of third party commentary in numerous books, newspaper articles and magazine articles, virtually all of which identify Knoll or its predecessors in interest as to the rights herein involved as the source of these items.

24. The various furniture items in the Barcelona Collection are in the collections of numerous museums featuring design around the world, and have been featured in a number of museum exhibitions.

25. The Barcelona Collection is in the Museum of Modern Art's design collection. Some of these pieces have been there since the 1950s. The Museum of Modern Art, as well as other museums, always identify Mies van der Rohe as the designer of the Barcelona Collection, and Knoll as the source and manufacturer of these items.

26. Knoll markets and sells the Barcelona Collection throughout the United States and internationally. In connection with these efforts, Knoll maintains an internet website at <http://www.knoll.com>, which contains information about Knoll's furniture products. Knoll also issues advertising and promotional material relating to the Barcelona Collection, and has done so for many years.

27. As a result of all of the foregoing sales, manufacturing and promotional efforts, the Barcelona Chair, the Barcelona Stool, the Barcelona Couch, the Barcelona Table, the Flat Brno Chair and the BARCELONA trademark have come to be associated with Knoll as their source.